

CASE# 2018-003
RESOLUTION NUMBER 5-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
12000 BLOCK OF ALEXANDER ROAD, AUBURN
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Weldon Ladage**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow an accessory structure to be greater than the maximum height allowed in the "R-1" Single-Family Residence District of eighteen (18) feet (approximately 24 feet), and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow the side yard setback to be approximately nine (9) feet instead of the required ten (10) feet, a variance to allow one (1) parcel less than forty (40) acres, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 18, 2018** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

FILED

JAN 24 2018

Don J. King
Sangamon County Clerk

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the rezoning and variances**; and,

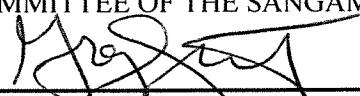
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of February, 2018** that the requests for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet), and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow the side yard setback to be approximately nine (9) feet instead of the required ten (10) feet, a variance to allow one (1) parcel less than forty (40) acres, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **13th day of February, 2018.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Property commonly known as parcel number: 28-31.0-400-006

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 6 West of the Third Principal Meridian in Sangamon County, Illinois.

Except the following described parcel:

Part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 14 North, Range 6 West of the Third Principal Meridian; described more particularly as follows: Commencing at a stone marking the Southwest corner of the Southeast Quarter of the Southeast Quarter of the aforementioned Section 31, thence North 00 degrees 00 minutes 00 seconds East along the Quarter, Quarter Section line a distance of 921.00 feet to an iron pipe marking the true point of beginning, thence continuing North 00 degrees 00 minutes 00 seconds East along the Quarter, Quarter section line a distance of 220.00 feet to an iron pipe, thence South 89 degrees 22 minutes 30 seconds East a distance of 194.00 feet to an iron pipe, thence South 00 degrees 00 minutes 00 seconds West a distance of 220.00 feet to an iron pipe, thence North 89 degrees 22 minutes 30 seconds West a distance of 194.00 feet to the true point of beginning.

Situated in Sangamon County, Illinois.

RECAP

(For County Board Use)

COUNTY BOARD
MEMBER:

#7

NAME: **Craig Hall**

DOCKET NUMBER: **2018-003**

ADDRESS: **12000 Block of Alexander Road, Auburn, IL 62615**

PETITIONER: **Weldon Ladage**

PRESENT ZONING
CLASSIFICATION:

“A” Agricultural District.

REQUESTED ZONING
CLASSIFICATION:

Proposed Parcel 1: “R-1” Single-Family Residence District, a variance to allow an accessory structure to be greater than the maximum height allowed in the R-1 Single-Family Residence District of eighteen (18) feet (approximately 24 feet), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Proposed Parcel 2: A variance to allow the side yard setback to be approximately nine (9) feet instead of the required ten (10) feet, a variance to allow one (1) parcel less than forty (40) acres, and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: **9 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

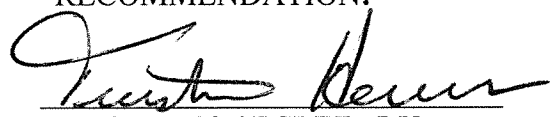
Recommend approval. While the LESA score of 231 indicates the subject property is suitable for agricultural use only, the bank is requiring the petitioner to split off approximately 3 acres from the 9 acre subject property to finance the construction of the proposed residence. For the height variance, allowing an accessory structure to

be 24 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variances to allow a reduced setback, a lot less than 40 acres, and the lot depth to exceed 2.5 times the lot width for two lots are necessary for the split and negative impacts are not anticipated. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2018-003
Weldon Ladage))
)	PROPERTY LOCATED AT:
)	12000 Block of Alexander Road
)	Auburn, IL 62615

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment and variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **January 18, 2018** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **12000 Block of Alexander Road, Auburn, IL 62615** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **farm structures and cropland.**
- 5. That the proposed land use of said property is **single-family residences, farm structures, and cropland.**
- 6. That the requested **rezoning and variances** of said property are for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet), and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow the side yard setback to be approximately nine (9) feet instead of the required ten (10) feet, a variance to allow one (1) parcel less than forty (40) acres, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.**
- 7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
- 8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning and variances** is in the public interest and is not solely in the interest of the petitioner(s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning and variances** be **approved.**


 CHAIRMAN *CC*

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-003**

Address: **12000 Block of Alexander Rd., Auburn**

- (i) Existing uses of property within the general area of the property in question.

North, East, & South – Cropland. West – Residence and cropland.

- (ii) The zoning classification of property within the general area of the property in question.

North, East, South, & West – Agricultural.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

While the LESA score of 231 indicates the subject property is suitable for agricultural use only, the bank is requiring the petitioner to split off approximately 3 acres from the 9 acre subject property to finance the construction of the proposed residence.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend for the area is agricultural with three single-family residences located in the area. In 1992, the subject property was denied I-1 but instead granted a use variance to allow spray painting, servicing, modification, and maintenance of light aircraft and a CPU for a residential airport.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-003**

Address: **12000 Block of Alexander Rd., Auburn**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variances to allow a reduced setback, a lot less than 40 acres, and the lot depth to exceed 2.5 times the lot width for two lots are necessary for the split.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

The bank is requiring the property to be divided for financing purposes.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Negative impacts are not anticipated.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	10
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	20
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	15
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	5
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	135
------------------------------	------------

Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	68	100	68
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	

257A	Clarksdale	P2	98	
68A	Sable	P2	87	
679B	Blackberry	P	87	
705B	Buckhart	P	87	
86B	Oscos	P	87	
684B	Broadwell	P	87	
50A	Virden	P2	87	32 28
712A	Spaulding	P2	87	
127B	Harrison	P	87	
3077A	Huntsville	P3	87	
138A	Shiloh	P2	87	
249A	Edinburg	P2	87	
242A	Kendall	P2	87	
7242A	Kendall	P2	87	
134A	Camden	P	87	
17A	Keomah	P2	87	
3451A	Lawson	P3	75	
3107A	Sawmill	P5	75	
7075B	Drury	P	75	
8396A	Vesser	P2	75	
3074A	Radford	P3	75	
3073A	Ross	P3	75	
3284A	Tice	P3	75	
279B	Rozetta	P	75	
45A	Denny	P2	75	
134B	Camden	P	75	
112A	Cowden	P2	75	
685B	Middletown	P	75	
3405A	Zook	P5	75	
131C2	Alvin	P	75	
86C2	Oscos	I	74	
36C2	Tama	I	74	
684C2	Broadwell	I	74	
119C2	Elco	I	74	
119D	Elco	I	74	
127C2	Harrison	I	74	
119D2	Elco	I	74	
567C2	Elkhart	I	74	
134C2	Camden	I	74	
259C2	Assumption	I	74	
685C2	Middletown	I	74	
280D2	Fayette	I	74	
119D3	Elco	N	74	
259D2	Assumption	I	74	
212C2	Thebes	I	74	
630C2	Navlys	I	74	
630D2	Navlys	I	74	
630D3	Navlys	I	57	
131D2	Alvin	I	57	
8D	Hickory	I	50	
8D2	Hickory	I	50	
280D3	Fayette	I	44	

8D3	Hickory	I	44
8F	Hickory	N	44
549G	Marseilles	N	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, Silty	N	
W	Water		

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	96
---	-----------

GRAND TOTAL	231
--------------------	------------

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.